

# CORRECTIONS, PAROLE, AND PROBATION

## CHAPTER 95

### HOUSE BILL NO. 1118

(Judiciary Committee)

(At the request of the Department of Corrections and Rehabilitation)

AN ACT to amend and reenact section 12-59-20 of the North Dakota Century Code, relating to probation and parole officers as peace officers.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 12-59-20 of the North Dakota Century Code is amended and reenacted as follows:

**12-59-20. Probation and parole officers as peace officers.**

1. Probation and parole officers have the power of a peace officer ~~for:~~
  - a. ~~For the purpose of enforcing probation and parole laws;~~ and
  - b. To enforce the law, conduct investigations, and make arrests for violations of the law on or within any premises under the control of the department of corrections and rehabilitation.
2. Probation and parole officers shall provide assistance to and receive assistance from other law enforcement officers in securing and jailing probation and parole violators and other offenders and in preventing and controlling of criminal activity.
3. Probation and parole officers may supervise sexually dangerous individuals released to community placement on an outpatient basis in accordance with section 25-03.3-24.

Approved March 20, 2015

Filed March 20, 2015

## CHAPTER 96

### SENATE BILL NO. 2215

(Senators Casper, Nelson, Poolman)  
(Representatives Delmore, Dockter, Karls)

AN ACT to amend and reenact sections 12-60-07.1, 12-60-16.1, 12-60-16.2, 12-60-16.6, and 12-60-16.9, subsection 1 of section 12-60-24, and subsection 7 of section 12.1-32-15 of the North Dakota Century Code, relating to criminal history record information and registration for offenders against children and sex offenders.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 12-60-07.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **12-60-07.1. Automated fingerprintbiometric data identification system.**

The bureau may establish and maintain an automated fingerprintbiometric data identification system for this state. The bureau may cooperate with other states for the operation of a regional automated fingerprintbiometric data identification system.

**SECTION 2. AMENDMENT.** Section 12-60-16.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **12-60-16.1. Definitions.**

As used in ~~sections 12-60-16.1 through 12-60-16.10~~this chapter and in section 12.1-32-15, unless the context otherwise requires:

1. "Biometric data" includes fingerprints, palm prints, voice prints, retinal or iris images, facial recognition, and DNA profiles.
2. "Bureau" means the bureau of criminal investigation.
- 2-3. "Court" means the supreme court, district courts, and municipal courts of the North Dakota judicial system.
- 3-4. "Criminal history record" means the compilation of criminal history record information of a person reported to the bureau in accordance with this chapter.
- 4-5. "Criminal history record information" includes information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other criminal charges, any dispositions arising therefrom, sentencing, correctional supervision, and release.
- 5-6. "Criminal justice agency" means any government law enforcement agency or entity authorized by law to provide information regarding, or to exercise the powers of, arrest, detention, prosecution, correctional supervision,

rehabilitation, or release of persons suspected in, charged with, or convicted of, a crime.

6-7. "Disseminate" means to transmit criminal history record information in any oral or written form. The term does not include:

- a. The transmittal of the information within a criminal justice agency.
- b. The reporting of the information as required by section 12-60-16.2.
- c. The transmittal of the information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

7-8. "Noncriminal justice agency" means an entity that is not a criminal justice agency.

8-9. "Record subject" means the person who is the primary subject of a criminal history record. The term includes any representative designated by that person by power of attorney or notarized authorization. If the subject of the record is under legal disability, the term includes that person's parents or duly appointed legal representative.

9-10. "Reportable event" means an interaction with a criminal justice agency for which a report is required to be filed under section 12-60-16.2. The term includes only those events in which the subject of the event is an adult or a juvenile adjudicated as an adult.

**SECTION 3. AMENDMENT.** Section 12-60-16.2 of the North Dakota Century Code is amended and reenacted as follows:

**12-60-16.2. Criminal history record information - Reportable events.**

Except as otherwise provided in sections 12-60-16.1 through 12-60-16.10, each criminal justice agency shall report to the bureau the information described in this section for each felony and reportable offense so designated pursuant to section 12-60-16.4. The bureau may require the criminal justice agency to provide the information in a manner that the bureau determines to be the most efficient or accurate means of collection. The following criminal justice agencies shall perform the duties indicated:

1. Except as otherwise provided in this subsection, each criminal justice agency that makes an arrest for a reportable offense shall, with respect to that offense and the person arrested, furnish to the bureau the ~~fingerprints~~necessary biometric data, charges, and descriptions of the person arrested. If the arrest is made by a criminal justice agency that is a state law enforcement agency, then, on request of the arresting agency, a sheriff or jail administrator shall ~~take~~collect the ~~fingerprints~~necessary biometric data. The arresting agency shall then furnish the required information to the bureau. If a decision is made not to refer the arrest for prosecution, the criminal justice agency making that decision shall report the decision to the bureau. A criminal justice agency may make agreements with other criminal justice agencies for the purpose of furnishing to the bureau information required under this subsection.

2. The prosecuting attorney shall notify the bureau of all charges filed, including all those added after the filing of a criminal court case, and whether charges were not filed in criminal cases for which the bureau has a record of an arrest.
3. After the court pronounces sentence for a reportable offense, and if the necessary biometric data of the person being sentenced has not been fingerprinted/collected with respect to that case, the prosecuting attorney shall ask the court to order a law enforcement agency to fingerprint/collect the necessary biometric data from that person. If the court determines that the necessary biometric data of the person being so sentenced has not previously been fingerprinted/collected for the same case, the court shall order the fingerprints taken/necessary biometric data to be collected from that person. The law enforcement agency shall forward the fingerprints/necessary biometric data to the bureau.
4. The prosecuting attorney having jurisdiction over a reportable offense shall furnish the bureau all final dispositions of criminal cases for which the bureau has a record of an arrest or a record of fingerprints/biometric data reported under subsection 3. For each charge, this information must include at least the following:
  - a. Judgments of not guilty, judgments of guilty including the sentence pronounced by the court, discharges, and dismissals in the trial court;
  - b. Reviewing court orders filed with the clerk of the court which reverse or remand a reported conviction or which vacate or modify a sentence; and
  - c. Judgments terminating or revoking a sentence to probation and any resentencing after such a revocation.
5. The North Dakota state penitentiary department of corrections and rehabilitation, pardon clerk, parole board, and local correctional facility administrators shall furnish the bureau with all information concerning the receipt, escape, death, release, pardon, conditional pardon, reprieve, parole, commutation of sentence, or discharge of an individual who has been sentenced to that agency's custody for any reportable offense which is required to be collected, maintained, or disseminated by the bureau. In the case of an escape from custody or death while in custody, information concerning the receipt and escape or death must also be furnished.

**SECTION 4. AMENDMENT.** Section 12-60-16.6 of the North Dakota Century Code is amended and reenacted as follows:

**12-60-16.6. Criminal history record information - Dissemination to parties not described in section 12-60-16.5.**

Only the bureau may disseminate a criminal history record to parties not described in section 12-60-16.5. The dissemination may be made only if all the following requirements are met:

1. The criminal history record information has not been purged or sealed.
2. The criminal history record information is of a conviction, including a conviction for violating section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-06.1, or 12.1-20-11 notwithstanding any disposition following a

deferred imposition of sentence; or the criminal history record information is of a reportable event occurring within three years preceding the request.

3. The request is written and contains:
  - a. The name of the requester.
  - b. The ~~fingerprints~~biometric data of the record subject or, if the request is made without submitting the ~~fingerprints~~biometric data, the request must also include the name of the record subject and at least two items of information used by the bureau to retrieve criminal history records, including:
    - (1) The state identification number assigned to the record subject by the bureau.
    - (2) The social security number of the record subject.
    - (3) The date of birth of the record subject.
    - (4) A specific reportable event identified by date and either agency or court.
4. The identifying information supporting a request for a criminal history record does not match the record of more than one individual.

In order to confirm a record match, the bureau may contact the requester to collect additional information if a request contains an item of information that appears to be inaccurate or incomplete. This section does not prohibit the disclosure of a criminal history record by the requester or other persons after the dissemination of the record by the bureau to the requester.

**SECTION 5. AMENDMENT.** Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

**12-60-16.9. Criminal history record information - Fee for record check.**

The bureau shall impose a fee of fifteen dollars for each state record check. The bureau shall impose a fee of five dollars for each record check for a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minors. The bureau shall impose a fee of five dollars for each record check conducted on a volunteer providing services for a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of vulnerable elderly adults. The bureau shall impose a fee of fifteen dollars for processing ~~fingerprints~~biometric data necessary for each nationwide criminal history record check. The bureau shall waive the fees for any criminal justice agency or court.

<sup>88</sup> **SECTION 6. AMENDMENT.** Subsection 1 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

1. a. Each applicant, employee, or petitioner for adoption or name change who is subject to a criminal history record check under subsection 2 shall consent to a statewide and nationwide criminal history record check for the purpose of determining suitability or fitness for a permit, license, registration, employment, or adoption.
- b. Each applicant, employee, registrant, or petitioner for adoption or name change subject to a criminal history record check shall provide to the requesting agency or entity written consent to conduct the check and to release or disclose the information in accordance with state and federal law, two sets of fingerprints from a law enforcement agency or other local agency authorized to take fingerprints, any other identifying information requested, and a statement indicating whether the applicant or employee has ever been convicted of a crime.
- c. The agency, official, or entity shall submit these fingerprints to the bureau of criminal investigation for nationwide criminal history record information that includes resubmission of the fingerprints by the bureau of criminal investigation to the federal bureau of investigation. Except if otherwise provided by law, federal bureau of investigation criminal history record information obtained by an agency or entity is confidential. For a request for nationwide criminal history record information made under this section, the bureau of criminal investigation is the sole source to receive the fingerprint submissions and responses from the federal bureau of investigation. A person who takes fingerprints under this section may charge a reasonable fee to offset the cost of fingerprinting. Unless otherwise provided by law, the bureau of criminal investigation may charge appropriate fees for criminal history information.
- d. Fingerprints and any other identifying information the bureau has obtained under this section may be retained by the bureau and the federal bureau of investigation at the request of the agency, official, or entity submitting the fingerprints and any other identifying information for a statewide and nationwide criminal history record check. The subject of the records must be provided notice of the retention of the fingerprints and any other identifying information. The bureau may provide to each agency, official, or entity listed in subsection 2 of this section the response of the bureau and the federal bureau of investigation any any statewide criminal history record information that may lawfully be made available under this chapter.
- e. The bureau may provide the results of a criminal history background check made under subsection 2 of this section to another state's identification bureau or central repository for the collection, maintenance, and dissemination of criminal history record information when the other state's identification bureau or central repository has requested the results of the criminal history background check and the agency, official, or entity of the

<sup>88</sup> Section 12-60-24 was also amended by section 1 of House Bill No. 1105, chapter 97, and section 1 of House Bill No. 1125, chapter 98, and section 1 of Senate Bill No. 2077, chapter 99, and section 1 of Senate Bill No. 2085, chapter 302, section 1 of Senate Bill No. 2236, chapter 309, section 1 of House Bill No. 1153, chapter 297, section 3 of House Bill No. 1436, chapter 67, and section 1 of Senate Bill No. 2145, chapter 100.

other state has equivalent authority to subsection 2 of this section to request a statewide and nationwide criminal history check.

<sup>89</sup> **SECTION 7. AMENDMENT.** Subsection 7 of section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

7. Registration consists of a written statement signed by the individual, giving the information required by the attorney general, and the fingerprintsbiometric data and photograph of the individual. An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall submit a sample of blood and other body fluids for inclusion in a centralized database of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-13-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection. Within three days after registration, the registering law enforcement agency shall forward the statement, fingerprintsbiometric data, and photograph to the attorney general and shall submit the sample of the individual's blood and body fluids to the state crime laboratory. If an individual required to register under this section has a change in vehicle or computer online identity, the individual shall inform in writing, within three days after the change, the law enforcement agency with which that individual last registered of the individual's new vehicle or computer online identity. If an individual required to register pursuant to this section has a change in name, school, or residence or employment address, that individual shall inform in writing, at least ten days before the change, the law enforcement agency with which that individual last registered of the individual's new name, school, residence address, or employment address. A change in school or employment address includes the termination of school or employment for which an individual required to register under this section shall inform in writing within five days of the termination the law enforcement agency with which the individual last registered. The law enforcement agency, within three days after receipt of the information, shall forward it to the attorney general. The attorney general shall forward the appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. Upon a change of address, the individual required to register shall also register within three days at the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general. A law enforcement agency that has previously registered an offender may omit the fingerprintsbiometric data portion of the registration if that agency has a set of fingerprintsbiometric data on file for that individual and is personally familiar with and can visually identify the offender. These provisions also apply in any other state that requires registration.

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<sup>89</sup> Section 12.1-32-15 was also amended by section 1 of House Bill No. 1029, chapter 127, section 1 of House Bill No. 1407, chapter 115, and section 1 of Senate Bill No. 2107, chapter 117.

Approved March 27, 2015  
Filed March 27, 2015

## CHAPTER 97

### HOUSE BILL NO. 1105

(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

AN ACT to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks for the office of the adjutant general; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

<sup>90</sup> **SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The office of the adjutant general for employees and volunteers working with the recruiting and retention, sexual assault, and youth programs.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 12, 2015

Filed March 12, 2015

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<sup>90</sup> Section 12-60-24 was also amended by section 1 of House Bill No. 1125, chapter 98, and section 1 of Senate Bill No. 2077, chapter 99, and section 1 of Senate Bill No. 2085, chapter 302, section 1 of Senate Bill No. 2236, chapter 309, section 1 of House Bill No. 1153, chapter 297, section 3 of House Bill No. 1436, chapter 67, section 1 of Senate Bill No. 2145, chapter 100, and section 6 of Senate Bill No. 2215, chapter 96.

## CHAPTER 98

### HOUSE BILL NO. 1125

(Government and Veterans Affairs Committee)  
(At the request of the Parks and Recreation Department)

AN ACT to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks for parks and recreation department volunteers and final applicants.

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

<sup>91</sup> **SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The parks and recreation department for volunteers and final applicants for employment, as determined by the director of the parks and recreation department.

Approved March 16, 2015  
Filed March 16, 2015

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<sup>91</sup> Section 12-60-24 was also amended by section 1 of House Bill No. 1105, chapter 97, and section 1 of Senate Bill No. 2077, chapter 99, and section 1 of Senate Bill No. 2085, chapter 302, section 1 of Senate Bill No. 2236, chapter 309, section 1 of House Bill No. 1153, chapter 297, section 3 of House Bill No. 1436, chapter 67, section 1 of Senate Bill No. 2145, chapter 100, and section 6 of Senate Bill No. 2215, chapter 96.

**CHAPTER 99****SENATE BILL NO. 2077**

(Energy and Natural Resources Committee)  
(At the request of the Game and Fish Department)

AN ACT to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks for game and fish department volunteers and final applicants.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

<sup>92</sup> **SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The game and fish department for volunteers and final applicants for employment, as determined by the director of the game and fish department.

Approved April 6, 2015

Filed April 6, 2015

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<sup>92</sup> Section 12-60-24 was also amended by section 1 of House Bill No. 1105, chapter 97, and section 1 of House Bill No. 1125, chapter 98, and section 1 of Senate Bill No. 2085, chapter 302, section 1 of Senate Bill No. 2236, chapter 309, section 1 of House Bill No. 1153, chapter 297, section 3 of House Bill No. 1436, chapter 67, section 1 of Senate Bill No. 2145, chapter 100, and section 6 of Senate Bill No. 2215, chapter 96.

## CHAPTER 100

### SENATE BILL NO. 2145

(Senators Davison, Luick, Oban, Poolman)  
(Representatives P. Anderson, Beadle)

AN ACT to amend and reenact subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>93</sup> **SECTION 1. AMENDMENT.** Subsection 2 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

2. The bureau of criminal investigation shall provide to each agency, official, or entity listed in this subsection who has requested a statewide and nationwide criminal history record check, the response of the federal bureau of investigation and any statewide criminal history record information that may lawfully be made available under this chapter:
  - a. The governing body of a city or a county, by ordinance or resolution, for a final applicant for a specified occupation with the city or county.
  - b. The agriculture commissioner for each applicant for a license to grow or process industrial hemp under section 4-41-02.
  - c. The education standards and practices board for initial, reentry, and reciprocal teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance and counseling services under section 15.1-13-23.
  - d. The medical examiners board for licenses or disciplinary investigations under section 43-17-07.1, except that criminal history record checks need not be made unless required by the board.
  - e. The private investigative and security board for licenses or registrations under section 43-30-06.
  - f. The department of human services for foster care licenses and approvals under chapter 50-11, appointments of legal guardians under chapter 50-11.3, and petitions for adoptions under chapter 50-12, except that the criminal history record investigation must be conducted in accordance with those chapters. A criminal history record investigation completed under chapter 50-11, 50-11.3, or 50-12 may be used to satisfy the requirements of a criminal history record investigation under either of the other two chapters.

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<sup>93</sup> Section 12-60-24 was also amended by section 1 of House Bill No. 1105, chapter 97, and section 1 of House Bill No. 1125, chapter 98, and section 1 of Senate Bill No. 2077, chapter 99, and section 1 of Senate Bill No. 2085, chapter 302, section 1 of Senate Bill No. 2236, chapter 309, section 1 of House Bill No. 1153, chapter 297, section 3 of House Bill No. 1436, chapter 67, and section 6 of Senate Bill No. 2215, chapter 96.

- g. The department of human services for criminal history record checks authorized under section 50-06-01.9.
- h. The chief information officer of the information technology department for certain individuals under section 54-59-20.
- i. A public peace officer training school that has been approved by the peace officer standards and training board for enrollees in the school. The school may only disclose the criminal history record information as authorized by law. The school shall pay the costs for securing the fingerprints, any criminal history record information made available under this chapter, and for the nationwide criminal history ~~background~~record check. This subdivision does not apply to the highway patrol law enforcement training center and enrollees who have a limited license under section 12-63-09.
- j. The North Dakota public employees retirement board for individuals first employed by the public employees retirement board after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- k. The executive director of the retirement and investment office for individuals first employed by the retirement and investment office after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- l. The Bank of North Dakota for a final applicant for a specified occupation with the Bank as designated by the president.
- m. Job service North Dakota for a final applicant for a specified occupation with job service as designated by the executive director.
- n. The state department of health for a final applicant for or an employee in a specified occupation with the department as designated by the state health officer; an individual being investigated by the department; or, when requested by the department, an applicant for registration, certification, or licensure by the department.
- o. The state board of nursing for applicants, licensees, registrants, or disciplinary investigations under chapter 43-12.1, except that criminal history record checks need not be made unless required by the board.
- p. The state board of pharmacy for applicants or disciplinary investigations under chapter 43-15 and registrations, or revocation or suspension of registrations, under chapter 19-03.1, except that criminal history record checks need not be made unless required by the board.
- q. The state real estate commission for applicants, licensees, or investigations under chapter 43-23, except that criminal history record checks need not be made unless required by the commission.
- r. The North Dakota board of social work examiners for applicants for initial licensure or licensees under chapter 43-41, except that criminal history

- record checks for licensees need not be made unless required by the board.
- s. All agencies, departments, bureaus, boards, commissions, or institutions of the state, including the North Dakota university system, for all employees or final applicants for employment as a security guard or to otherwise provide security.
  - t. The office of management and budget for each individual who has access to personal information as designated by the director.
  - u. The department of corrections and rehabilitation for all agents and employees and a final applicant for employment designated by the director and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the department who exercises direct authority over juveniles, inmates, probationers, or parolees.
  - v. A city, county, or combination of cities or counties that operates a correctional facility subject to chapter 12-44.1, for each agent and employee and a final applicant for employment of the correctional facility who has direct contact with or exercises direct authority over any juvenile or inmate of the correctional facility, and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the correctional facility who exercises direct authority over juveniles, inmates, probationers, or parolees.
  - w. The North Dakota university system for a final applicant for or employee in a specified position in the university system or a university system institution or for each student applying for or admitted to a specified program of study, as designated by the chancellor.
  - x.
    - (1) ~~The governing board of a public school or, for a nonpublic school, the superintendent of public instruction district, for employees designated by the governing board or nonpublic school. The governing board or the nonpublic school, provided the board is responsible for paying the costs associated with obtaining a background criminal history record check;~~
    - (2) The board of a multidistrict special education unit, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
    - (3) The board of an area career and technology center, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
    - (4) The board of a regional education association, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and
    - (5) The superintendent of public instruction in the case of a nonpublic school, for employees designated by the nonpublic school, provided

the nonpublic school is responsible for paying the costs associated with obtaining a criminal history record check.

- y. (1) The governing board of a public school or, for a nonpublic school, the superintendent of public instruction district, for a final applicant seeking employment with the school district or otherwise providing services to the school district, if that individual has unsupervised contact with the students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (2) The board of a multidistrict special education unit, for a final applicant seeking employment with the unit or otherwise providing services to the unit, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (3) The board of an area career and technology center, for a final applicant seeking employment with the center or otherwise providing services to the center, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (4) The board of a regional education association, for a final applicant seeking employment with the association or otherwise providing services to the association if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and
  - (5) The superintendent of public instruction in the case of a nonpublic school, for a final applicant seeking employment with the school or otherwise providing services to the school, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check.
  - (6) For purposes of this subdivision, "unsupervised contact" with students means being in proximity to one or more students, on school grounds or at school functions, outside the presence of an individual who has been subject to a criminal background history record check. The governing board or the nonpublic school is responsible for paying the costs associated with obtaining a background check.
- z. The racing commission for applicants for licenses under chapter 53-06.2, except that criminal history record checks need not be made unless required by the commission.
  - aa. A district court for a petition to change a name under chapter 32-28.
  - bb. The state board of pharmacy for a wholesale drug distributor seeking licensure under chapter 43-15.3.
  - cc. The board of dental examiners for investigations of applicants or dentists under section 43-28-11.2, except that criminal history record checks need not be made unless required by the board.

- dd. The department of financial institutions for each applicant for a specified occupation with the department as specified by the commissioner and principal owners and managing officers of applicants for a license from the department of financial institutions.
- ee. The office of tax commissioner for a final applicant for a specified occupation with the tax commissioner as designated by the tax commissioner.
- ff. The state board of examiners for nursing home administrators for applicants for licensure or licensees under chapter 43-34, except that criminal history record checks for licensees need not be made unless required by the board.
- gg. The marriage and family therapy licensure board for applicants, licensees, or investigations under chapter 43-53, except that criminal history record checks need not be made unless required by the board.
- hh. The state board of chiropractic examiners for applicants, licensees, or investigations under chapter 43-06, except that criminal history record checks need not be made unless required by the board.
  - ii. Workforce safety and insurance for a final applicant for a specified occupation with workforce safety and insurance as designated by the director, or for contractors who may have access to confidential information as designated by the director.
- jj. The board of counselor examiners for applicants for licensure or licensees under chapter 43-47, except that criminal history record checks for licensees need not be made unless required by the board.
- kk. The state board of respiratory care for applicants, licensees, or investigations under chapter 43-42, except that criminal history record checks need not be made unless required by the board.
  - ll. The North Dakota real estate appraiser qualifications and ethics board for applicants for permits or registration or permittees, registrants, owners, or controlling persons under chapters 43-23.3 and 43-23.5, except that criminal history record checks for permittees, registrants, owners, or controlling persons need not be made unless required by the board.
- mm. The insurance department for criminal history record checks authorized under chapter 26.1-26.

Approved April 1, 2015

Filed April 1, 2015